

Remarks

Claims 1-5, 7-17 and 19-24 were presented for prosecution. Claims 10, 12, 13, 19-21, and 23 are rejected under 35 USC 102(a) as being allegedly anticipated by Takechi et al., JP 174685 ("Takechi"). Claims 3, 4 and 11 are rejected under 35 USC 103(a) as being unpatentable over Takechi in view of Murphy, US 6,009,335, claims 1, 2, 5, 7-9, 14-17 and 22 are rejected under 35 USC 103(a) as being unpatentable over Takechi in view Gibson ("Communications Handbook"), and claim 24 is rejected under 35 USC 103(a) as being unpatentable over Takechi in view of Russo US 6,167,078. Applicant has herein amended claims 1 and 7. No new matter is believed added.

Applicant submits that claim 1 is not obvious over Takechi in view of Gibson. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. In the present case, the cited reference fails to meet each of the three basic criteria required to establish a *prima facie* case of obviousness.

Applicant traverses the rejection of independent claim 1 because, as amended, claim 1 recites:

"a first global positioning system (GPS) receiver for receiving a carrier signal;
a signal encoder system for encoding data using a first clock signal at a predetermined clock frequency, wherein the clock signal is derived directly from the carrier signal;
a data transmitter for transmitting the encoded data; and

a security system for changing the predetermined clock frequency to a predetermined sequence of frequencies, wherein the security system transmits a code prior to changing frequencies to notify a receiving device of an upcoming frequency change.”

Neither Takechi nor Gibson teaches “wherein the security system transmits a code prior to changing frequencies to notify a receiving device of an upcoming frequency change.” Gibson, which discussed frequency hopping, is silent with respect to providing such a code. Accordingly, claim 1 and the claims depending therefrom are believed allowable.

Applicant respectfully submits that the application is in condition for allowance. If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicant’s undersigned representative at the telephone number listed below.

Respectfully submitted,

Dated:

5/27/05



Michael F. Hoffman
Reg. No. 40,019

Hoffman, Warnick & D'Alessandro LLC
Three E-Comm Square
Albany, NY 12207
(518) 449-0044 - Telephone
(518) 449-0047 - Facsimile